

SEC. 3. This act, being deemed of immediate importance, shall Publication. take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 28, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 29, and in the *Iowa State Register*, March 30, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 168.

### EVIDENCE IN CRIMINAL ACTIONS.

AN ACT in Relation to Evidence in Criminal Actions. Amending Sections 3636, and 4421, and Repealing Section 4237, and part of Section 4556 of the Code. Sub. S. F. 19.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 3636, chapter 1, of title 22 of the Code, be amended by adding thereto the following: "Defendants in all criminal proceedings shall be competent witnesses in their own behalf, but cannot be called as witnesses by the state; and should a defendant not elect to become a witness, that fact shall not have any weight against him on the trial, nor shall the attorney or attorneys for the state during the trial, refer to the fact that the defendant did not testify in his own behalf; and should he do so, such attorney or attorneys will be guilty of a misdemeanor, and defendant shall for that cause alone be entitled to a new trial." Code, § 3636, amended. Defendant may testify in his own behalf.

SEC. 2. Section 4237 is hereby repealed, and all that part of section 4556 after the word "chapter" in the fourth line, is hereby repealed, which will then read as follows: Code, § 4237, repealed.

Section 4556. The rules of evidence prescribed in the civil part of this Code shall apply to criminal proceedings, as far as applicable, and as they are not inconsistent with the provisions of this chapter. Code, § 4556, part repealed.

SEC. 3. That section 4421 of the Code be amended by adding thereto the following: *Provided*, That whenever the district attorney desires to introduce evidence to support the indictment, of which he shall not have given said four days' notice because of insufficient time therefor since he learned said evidence could be obtained, he may move the court for leave to introduce such evidence, giving the name, place of residence, and occupation of the witnesses he desires to introduce, and the substance of what he expects to prove by said witnesses, and showing diligence such as is required in a motion for a continuance supported by affidavit, whereupon, if the court sustain said motion, the defendant shall elect whether said cause shall be continued on his motion, or the Code, § 4421, amended. Dist. attorney may introduce without four days' notice.

witness shall then testify; and if said defendant shall not elect to have said cause continued, the district attorney may examine said witness in the same manner and with same effect as though four days' notice thereof had been given defendant as hereinafore provided, except that the district attorney, in the examination of said witnesses, shall be strictly confined to the matters set out in his motion.

Approved, March 26, 1878.

## CHAPTER 169.

### EMPOWERING CITIES AND TOWNS TO EXTEND THEIR CORPORATE LIMITS.

S. F. 34. AN ACT to amend Chapter Forty-seven (47), Laws of the Sixteenth General Assembly, in relation to empowering Cities to extend their Corporate Limits. (Additional to Code, Chapter 10, Title 4, "of Cities and Incorporated Towns.")

*Be it enacted by the General Assembly of the State of Iowa:*

§ 1, chapter 47, 16th G. A. amended. Additional mode of extending limits. § 2 amended. Council may fix boundaries. SECTION 1. That section one (1) of chapter 47 of the laws of the sixteenth general assembly be amended by inserting after the word "city" in the second line thereof, the words "or incorporated town."

§ 3 amended. Extension to be submitted to vote. § 4 amended. Taxes. SECTION 2. That section two (2) of said chapter be amended by striking out the word "city" before the word "council" in the first line thereof, and by inserting after the word "city" in the said first line the words "or incorporated town."

SECTION 3. That section three (3) of said chapter be amended by inserting after the word "city," wherever the same appears in said section, the words "or town."

SECTION 4. That section four (4) of said chapter be amended by inserting after the word "city," in the sixth and eighth lines thereof, the words "or town."

SECTION 5. That the word "twenty" in the 2d and 3d lines of section 4, of said chap. 47, be stricken out and the word "ten" inserted in lieu thereof.

Approved, March 26, 1878.